

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

IN RE:

**ATRIUM MEDICAL CORP. C-QUR MESH
PRODUCTS LIABILITY LITIGATION**

)
) **MDL NO. 2753**
)

) **MDL Docket No.**
) **1:16-md-02753-LM**
)

) **ALL CASES**
)

**STIPULATION AND [PROPOSED] ORDER – PARTIES’ DEADLINE TO FILE
REGULATORY DAUBERT MOTIONS IN TRIAL PICK CASES**

Counsel representing plaintiffs in the above-captioned multi-district litigation (collectively, “Plaintiffs”) and defendants, Atrium Medical Corporation and Maquet Cardiovascular USA Sales, LLC (collectively, “Atrium” or “Defendants”) (Plaintiffs and Defendants, collectively, the “Parties”), have conferred and—in the interest of avoiding unnecessary motion practice and promoting the conservation of judicial resources—agreed to the Recitations and Stipulations below:

WHEREAS, on April 30, 2020, the Court entered its Order extending and setting certain deadlines relating to the bellwether cases in this MDL. *See* Doc. 1203.

WHEREAS, pursuant to this Order, the parties were to file dispositive and *Daubert* motions regarding the bellwether trial pick cases by June 12, 2020. *Id.*

WHEREAS, in its April 30, 2020 Order, the Court noted, “[t]he parties are free to modify the above deadlines by their mutual agreement.” *Id.* at 4.

WHEREAS, the parties on June 12, 2020 stipulated to a different briefing schedule for their regulatory experts in the trial-pick cases *Barron* and *Hickinbottom*, under which the parties would file *Daubert* motions on regulatory experts on July 8, 2020. *See* Doc. 1207 at 2.

WHEREAS, the parties have mutually agreed to extend the deadline for the parties to file

Daubert motions in the trial-pick cases on regulatory experts from July 8, 2020 to July 17, 2020, and in accordance with the Court's original order, responses would be due two weeks later on July 31, 2020 and replies one week later on August 7, 2020.

WHEREAS, the parties have also stipulated to a mutual extension of the page limits for those *Daubert* motions by 5 additional pages.

WHEREAS, the parties had agreed in the Trial Pool case *Hicks* that the disclosure of Defendants' experts in rebuttal to Dr. Knabe would be one week from the completion of Dr. Knabe's deposition (Doc. 1207 at 3), and to address COVID-19 related complications with scheduling Dr. Knabe's deposition, the parties have agreed to extend the time for Defendants to disclose their experts in rebuttal to Dr. Knabe by 5 additional days, or 12 days after the completion of Dr. Knabe's deposition.

WHEREAS, the Parties do not anticipate that this new proposed deadline will change or impact the First Trial date of September 16, 2020.

WHEREAS, the Parties have further agreed that they will not use the proposed extension of this deadline as reason to seek a delay of the First Trial date of September 16, 2020.

THEREFORE, the Parties respectfully ask the Court to enter the attached [Proposed] Order.

Dated: July 7, 2020

Respectfully submitted,

/s/ Jonathan D. Orent

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CERTIFICATE OF SERVICE

I hereby certify that on July 7, 2020, a true and correct copy of this document has been filed electronically with the Clerk of Court using the CM/ECF system. Notice of these filings will be sent to all counsel of record and parties by operation of the Court's electronic filing system.

/s/ *Paul LaFata*
Paul LaFata